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September 12, 1995

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, DC 20554

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re: WT Docket 95-102, NPRM for Part 95 "Family Radio Service" RM-8499

Dear Mr. Caton,

Enclosed are an original and thirteen copies of comments pertinent to the current proposal for an unlicensed UHF personal radio service in the present GMRS spectrum. Please distribute these to the appropriate parties for their consideration.

Please stamp one of these copies with the date filed and return it to me in the enclosed envelope. Thank-you very much for handling these comments.

Sincerely,



Edward W. Boakes
(908) 957-5701

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544

WT Docket Number 95-102

In the Matter of

Amendments to Part 95 of the Commission's Rules
for the Family Radio Service, a very short distance
two-way voice radio service for personal use

)
) RM-8499
)

From: Edward W. Boakes (908) 957-5701
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GMRS callsign: KAE4253
Business callsign: WNWY522
Amateur callsign: WB3FLD
Marine callsign: WAN3355
Aviation callsign: N26405U

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To: The Commission

A PERSONAL RADIO SERVICE - NOT A BUSINESS RADIO SERVICE

This proposal for a Family Radio Service is well founded and will fill a definite need for high-quality half-mile to one mile communications for families, private individuals and groups. In order that this service fill this personal communications need, ***it is exceptionally important that these unlicensed radio units not be used for business purposes.*** The GMRS suffered from exactly this problem -- that of business users dominating all available frequencies such that personal use was virtually impossible -- until the Commission decided, in 1988, to no longer allow businesses to be licensed in the GMRS. Today, most businesses have moved from GMRS, allowing it to be used as intended: for personal, family, and group use by licensed individuals.

As there is presently no radio service which allows businesses to use high quality, UHF FM communications without a license, it seems clear that businesses could quickly gravitate to the unlicensed FRS. To thwart this invasion by business users, it seems necessary that a condition for type acceptance of the unlicensed FRS radios would be the presence of a warning on the front of the radio which says something to the effect of:

**"This radio is for personal and family communications only.
It is unlawful to use the radio as part of a business or as part of a job."**

It is therefore respectfully requested that the Commission amend part 95.603 to include, as a condition of type acceptance, such a warning on the front of each FRS transceiver, preferably embossed into the plastic of the unit, but possibly as a label. It is also requested that a requirement be made that all advertising, packaging and operator manuals contain this same warning.

It is also respectfully requested that the Commission modify section 95.401(b) to explicitly state that *the Family Radio Service is specifically not for business use.*

TWO-WAY RADIO - NOT A CORDLESS TELEPHONE

The proposed FRS is a unique service. No other service provides the ability to use unlicensed half-watt UHF FM two-way radio equipment. To preserve these frequencies for exactly this unique use, it is important that telephone interconnect not be permitted, lest this service degenerate into simply another cordless telephone band.

Telephone interconnect is completely incompatible with FRS. In a radio service such as GMRS, Amateur Radio, marine Radio and the proposed FRS, users are to listen to a channel before they transmit. This listening requirement would render any telephone interconnect calls completely non-private. Americans expect some level of privacy in their phone calls. This expectation is part of the reason for the Electronic Communications Privacy Act of 1986 and the recent amendment to it extending the anti-eavesdropping provision to include cordless telephones. The individual making the telephone call would also have the responsibility of monitoring the channel before use -- a requirement which would render interconnect a bit clumsy.

There are already many frequencies available for telephone interconnect. The Commission has recently allocated more cordless telephone channels in the 46-49 MHz band. In addition, many cordless telephone are now available which utilize the 902-928 MHz ISM band. Upcoming PCS telephones will offer even more interconnection possibilities, in addition to existing plentiful Cellular and SMR telephones.

The Commission is respectfully requested to maintain the prohibition against interconnection, which already is in place for the GMRS frequencies.

REDUCTION OF CO-CHANNEL INTERFERENCE

To minimize the possibility of rude behavior and interference with other stations, including those in the GMRS which may operate on the same frequencies, it is requested that the Commission require, as a condition of type acceptance, that the push-to-talk key cause the radio to transmit only when the channel is not already in use -- or, at a minimum -- that the push-to-talk key only function when the radio is in a mode wherein all users of the channel may be heard (ie: no CTCSS decode). Motorola offers this first feature on many of their handhelds, under the name "Smart Push-to-Talk". Uniden offers this first feature in their current one-watt hand-held GMRS transceiver model GMR-100. The second feature, that of requiring the CTCSS squelch to be defeated before push-to-talk may be activated, may be easily accommodated by placing a temporary CTCSS-defeat button or a CTCSS-defeat/enable button near the push-to-talk key.

It is therefore respectfully requested that the Commission amend section 95.603 to include such a requirement in the type acceptance standards for FRS transceivers.

REDUCTION OF INTERFERENCE TO GMRS REPEATERS

In the Commission's 1988 amendments to the GMRS regulations, all transmissions on the 467 MHz GMRS frequencies which are not specifically for the activation of a repeater were phased out. This rule-making action was taken specifically to minimize unintentional interference to GMRS repeater operation. Though operation on the 462 MHz interstitial frequencies was authorized at this same time, operation on the 467 MHz interstitial frequencies was not

authorized. The 467 MHz interstitial frequencies were specifically not authorized so as to minimize unintentional interference to GMRS repeater operation.

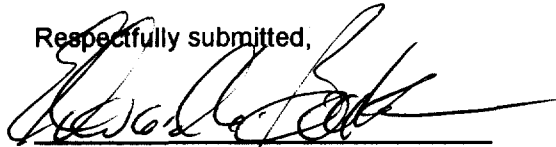
The proposed FRS regulations enumerate seven channels (channels 8 - 14 in section 95.627(a)), each of which is between two of the eight 467 MHz input frequencies for existing GMRS repeaters. Though the FRS use of these channels is to be specified to have a channel width no greater than 12.5 kHz and a power no greater than 500 milliwatts, the potential for unintentional interference, entirely unknown to the FRS user, still exists, as most GMRS repeaters have an input bandwidth of 25 kHz and it is likely that FRS radios will use the same CTCSS tones used to activate GMRS repeaters.

As the Commission's work on "re-farming" part 90 UHF frequencies goes forward, and as 12.5 kHz equipment becomes more readily available, it is likely that GMRS repeaters will be replaced with newer equipment of the narrower, 12.5 kHz bandwidth. However, since GMRS repeaters are largely maintained by private individuals and small poorly-funded groups, this may take quite some number of years. Until this change-out to narrower bandwidth repeaters takes place, the potential for interference by 467 MHz FRS users remains quite likely.

Therefore, it is requested that the list of frequencies available to FRS users, enumerated in the table in section 95.627(a), be amended such that the 462 MHz frequencies be available immediately and that the 467 MHz frequencies be made available in 1999, or at such time when 12.5 kHz repeater equipment is available at a cost comparable with the present cost for a comparable 25 kHz bandwidth UHF repeater.

September 19, 1995

Respectfully submitted,



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